

Florence, New Jersey 08518-2323
May 24, 2011

The regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Fratinardo called the meeting to order followed by a salute to the flag.

Secretary Montgomery then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Ray Montgomery
Keith Crowell	Candida Taylor
John Fratinardo	Robert Adams
John Groze	William Bott

ABSENT: B. Michael Zekas (excused)

ALSO PRESENT: Solicitor David Frank
Engineer Dan Guzzi
Planner Robert Perry

Chairman Fratinardo stated that he would be going out of the order of the agenda and called for Application ZB#2011-05 for Kevin Griggs. Applicant is requesting a bulk variance for impervious surface coverage to permit construction of an 8' x 12' storage shed on property located at 29 Third Avenue, Roebling, NJ. Block 137, Lot 10.

Mr. Griggs stated that due to recent health issues he missed the deadline for publishing the public notice in the newspaper. All property owners listed on the certified list were noticed. Mr. Griggs requested a postponement of the application until the June 28, 2011 meeting and agreed to extend the time limit for Board action.

Motion of Taylor, seconded by Crowell to continue the application as requested by the applicant. Motion unanimously approved by all members present.

Chairman Fratinardo stated to the public that this application would not be heard at this meeting but would be heard at the June 28, 2011 meeting. There will be no additional public notice given by the applicant.

Chairman Fratinardo called for Application ZB#2011-02 for Stacey Micallef & Glen Zielinsky. Applicant is requesting bulk variances for impervious surface coverage, side yard setback and rear yard setback to permit construction of a 25' x 8' x 16' deck and a 6' x 6' shed on property located at 124 Third Avenue, Roebling. Block 132, Lot 49.

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Stacey Micallef and Glen Zielinsky both of 124 Third Avenue, Roebing were sworn in by Solicitor Frank. Mr. Zielinsky stated that they would like to construct a deck and a 6' x 6' shed in their back yard. He stated that they would need side yard and rear yard setback as well as an impervious surface coverage variance.

Engineer Guzzi stated that this is an attached single family home on an undersized lot in the RC High Density Residential District in Roebing. The existing home is non-conforming with respect to minimum lot area, lot width, minimum front yard, minimum side yard, minimum rear yard and maximum impervious coverage. The applicant is proposing to construct a deck to the rear of the home which will reduce the rear yard setback from 35' to 21.5' where 50' is required. It will increase the maximum lot coverage from 64% to 71% where 40% is permitted. Additionally the applicants are proposing a garden shed in the back yard. The minimum side yard setback in the zone is 5' and the proposal is for half a foot. The minimum rear yard setback to an alley is 10' and the proposal is for 2'. Mr. Zielinsky stated that the shed would be 8' high at the peak.

Solicitor Frank stated that Mr. Zielinsky had submitted a series of photographs that had been labeled Exhibits A1 through A8. Mr. Zielinsky stated that these were photographs of neighboring properties. He stated that the most important photo was Exhibit A7. This is a view of the backyard of the neighbor on Second Avenue. The photo was taken looking out of a second story window in Mr. Zielinsky's house and shows a deck and shed that is nearly similar to what this application proposes.

Mr. Zielinsky said that he was not proposing to regrade the property in any way. Engineer Guzzi Pointed out to the Board that the majority of the deck would be located over an existing concrete pad so the amount of additional impervious generated by the deck is very small.

Motion of Montgomery, seconded by Taylor to open to public comment. Motion unanimously approved by all members present.

Seeing no one wishing to offer comment, motion was made by Crowell, seconded by Taylor to close the public hearing. Motion unanimously approved by all members present.

Motion of Buddenbaum, seconded by Groze to approve Application ZB#2011-05. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Crowell, Fratinardo, Groze, Montgomery, Taylor, Adams
NOES: None
ABSENT: Zekas

Secretary Montgomery read the time for appeal statement to the applicant.

Chairman Fratinardo called for Application ZB#2011-04 for Florence Family Dental, P.C. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances for a dental office located at 1001 Hornberger Avenue, Roebling, NJ. Block 96, Lots 1, 2, & 3.

Members Groze and Bott recused themselves and stepped down from the dais.

Attorney Denis Germano stated that he would be representing Dr. Blum and Florence Family Dental. Also in attendance to offer testimony is Bob Stout, P.E. and Nathan Mosely, traffic engineer with Shropshire Associates. All 3 witnesses were sworn in by Solicitor Frank.

Attorney Germano asked the Board to address the issue of completeness first. Engineer Guzzi referred the Board to his review letter dated May 19, 2011 Items A through J for completeness issues.

Item A for the Environmental Impact Statement. A waiver has been requested and based on the existing development on the site would be supported.

Item B for the drainage map and drainage calculations. The applicant's engineer has provided additional documentation regarding drainage patterns and total impervious coverage so a partial waiver would be supported.

Item C for soil boring to the water table or 10 feet. Based on the stormwater drainage documentation provided a waiver would be supported.

Item D for existing elevations of centerline and edge of roadway 100 feet past the property. This has been satisfied with the latest site plan submission.

Item E for location of loading areas. The applicant had requested a waiver for a loading area and Engineer Guzzi requested testimony to support this request. Dr. Blum stated he doesn't currently have a loading area. The majority of the deliveries come from UPS or Fed Ex. Most deliveries come in small boxes.

Member Taylor stated that during the construction phase of this project there would be deliveries of equipment and building supplies and asked if there was sufficient room for these deliveries. Dr. Blum stated that there was.

Solicitor Frank asked about delivery of compressed gases. Dr. Blum stated that once a year there are six 10 lb. tanks delivered from a supply company in a van. Fed Ex/UPS deliver approximately once a week.

Item F is the location of the recycling center. The applicant has requested a waiver. Engineer Guzzi stated that he does not support a waiver for this item. Dr. Blum showed the location of trash and recycling on Exhibit A1 the colored rendering of the site plan dated 5-24-11. This area is in a cul-de-sac created by the walls of the building and is

screened from the road by a white vinyl fence. Attorney Germano asked if Dr. Blum expected trash or recycling to increase as a result of this expansion. Dr. Blum stated that he did not. Currently there are 3 to 4 black trash bags a week. A waste hauler takes away the medical waste in a once annual pickup and this is stored inside.

Engineer Guzzi stated that this completeness item is related to recycling and the ordinance 2010-09 which was a County requirement for the funding that the Township gets for recycling. The ordinance outlines the minimum standards for recycling that has to be provided by all commercial establishments. In this case a 4 cubic yard capacity dumpster or container is required for fiber (paper and cardboard) and a 1.4 cubic yard 288 gallon container for bottles and cans. Burlington County required that the townships pass an ordinance requiring this and that every site plan application for commercial use is subject to this requirement. The Board can elect to move forward with the application but at sometime during the hearing we are going to have to hear how the applicant is going to handle recycling and meet this requirement.

Item G is the architect's scaled elevations of proposed structure. Dr. Blum referring to Exhibit A1 stated that the garage to the rear of the site is going to be removed. There will be no other change to the existing building. He stated he has salvaged some existing Italian stone from the landscaping and this will be reused on site. There are no other changes to the exterior of the building.

Item H for the location of existing utilities. Engineer Guzzi stated that this information has been provided on the plan.

Item I for the Municipal Services and Utilities Impact Statement. Engineer Guzzi stated that he recommends a partial waiver based on the testimony already received in respect to trash and recycling.

Item J for the Water and Sewer Agreement. Engineer Guzzi stated that he would support a waiver.

Chairman Fratinardo stated that he would like to go back to testimony on the recycling issue. Dr. Blum stated that they currently have 2 large blue lidded containers but only ever use one. They also have 2 yellow buckets and most of the time only use one.

Engineer Guzzi stated that the ordinance standard is for a business of 7,500 sq. ft. of floor area or less. Dr. Blum stated that the sq. ft. of his building is going to be 2,200 sq. ft. Engineer Guzzi stated that the requirement is a bit excessive so the Board may have some leeway with the size of the containers. Solicitor Frank said especially since the business has some record of the recycling uses.

Member Taylor stated that if the containers that Dr. Blum is currently using are sufficient she sees no reason to change them. Dr. Blum stated that the recycling is currently being stored in an 8.5' x 12' space in the front of the building.

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Engineer Guzzi stated that the County is phasing out all pick up of commercial recycling. All commercial uses will have to go to private pickup and an area has to be provided for those private pickups. Solicitor Frank stated that this is why the ordinance requires that there be a designated enclosure for recycling. He stated that the location in the front of the house might not be good for private pick-up. Engineer Guzzi said that this is why we are talking about this issue. The plan has to provide some sort of a reasonable access and storage for the recycling in light of the fact that the County won't be picking up.

Chairman Fratinardo stated that testimony needed to be given as to what needs to be done if the county stops picking up the commercial recycling. Dr. Blum stated that if necessary he would take to recycling to a recycling facility.

Solicitor Frank stated that the issue with the current location of the recycling center is whether or not it is accessible to an external contractor who would come to the site to remove the material from that location. Attorney Germano stated that the location would not be accessible to a mechanized truck. Engineer Guzzi asked if there was an area in the back where a small corral could be located where those containers could be stored. Attorney Germano said he saw Mr. Stout nodding in the affirmative. Engineer Guzzi stated that perhaps the Board could act on the completeness and then during site plan hearing Mr. Stout could give testimony as to the best spot for the recycling to be located.

Motion of Taylor, seconded by Crowell to grant the waivers and partial waivers and deem the application complete with the stipulation that the issue of recycling center be revisited during the site plan testimony.

Upon roll call the board voted as follows:

YEAS: Crowell, Buddenbaum, Fratinardo, Montgomery, Taylor, Adams
NOES: None
ABSENT: Zekas

Robert Stout, who has been previously approved by this Board as an expert in civil engineering, referred the Board to Exhibit A1 and pointed out the existing building. He stated that the existing square footage of the building is 3,300. The proposal is to remove 400 sq. ft. so the final area in square footage is approximately 2,900 sq. ft.

Mr. Stout said that on the existing site there is the garage that is going to be removed. Currently there is a driveway that goes directly up to the property line so there is a zero setback to the parking area that runs halfway down the site. There is a retaining wall that wraps $\frac{3}{4}$ of the way down the property. This wall is in bad disrepair and will be repaired as part of this site plan. Mr. Stout said that the proposal is to drop the grade down to make it more of a uniform site.

Mr. Stout stated that the proposal also includes creating some on site parking. Dr. Blum has stated that there are 5 employees and at the back of the site there are 5 parking spaces that would be designated as employee parking. These spaces are proposed to be 9' x 18'

and this would require a design waiver for parking space size. There are also 6 patient spaces along the front. Dr. Blum stated that he wouldn't have more than 6 patients in the office at one time. The patient spaces are all 10' x 20'. There is also a 25' drive aisle, which allows free access in and out. The existing entry to the office faces Delaware Avenue. This main entrance will be relocated to the current back door of the home that is located off the existing drive off of Hornberger Avenue. The Delaware Avenue door will be a service entry only and not used for patient access.

The new main entrance would be ADA compliant and will be directly adjacent to the ADA compliant parking space. There will be a 6' wide sidewalk. Curb bumpers will be used on the parking spaces. A waiver has been requested for curbing. This waiver is requested for two reasons. In regard to stormwater, this allows everything to sheet flow to the direction of the back of the property. A swale has been created along the landscape buffer, which will allow the water to seep into and infiltrate. There will be curbing at the end of the proposed retaining wall down to the street. This will channel any stormwater that comes down this way and guide it to Hornberger Avenue. He stated that they are adding additional paving on the site by approximately 4,000 sq. ft. This doesn't account for any stormwater management requirements, plus the fact that an infiltration technique is being used should guarantee that there is no negative impact to any of the neighbors.

Mr. Stout stated that the ordinance requires a 15' buffer. The existing buffer is zero. The proposal is to install the new retaining wall composed of EP Henry stacked blocks topped by a 6' high PVC solid fence. This will be more aesthetically pleasing than the current wall. A series of arbor vitae will be planted in a mulched bed along this wall. When the stormwater runs off into that some will infiltrate into the buffer area and any excess will travel down to the street. The elevation of the wall will be approximately 3'. There are 2 existing trees that will remain and 2 more trees will be added in the front to conform to the ordinance. There will be additional landscaping along the rear of the property and adding foundation plantings along the side of the building. There will be some low hedge along the front of the parking spaces to alleviate headlight glare. The side yard property line has the required 15' buffer area and there will be additional trees added in this location also.

Mr. Stout stated that there are 3 lights proposed for the site. One light located in the rear, one in the front corner by the ADA space and one in the front. He stated that there is an ordinance requirement for a uniformity ratio of 17:1 on the site. Due to the fact this is a residential area with a professional use, what is proposed are residential lights. They are an 8' high standard post light that you would have at the end of your driveway. This illuminates the walkway areas, but not the drive aisles. This also keeps it dark along the property line.

Responding to a comment by Member Crowell, Mr. Stout stated that removing the garage has allowed the grade to be dropped down to 3'. So the residents who live behind the site adjacent to the proposed parking area will have a 3' retaining wall topped by a 6' solid vinyl fence above it. The trees that will be planted in front of the fence will be planted at 6', within a few years they will grow to 8' to 9' tall. The swale has been designed to

encourage infiltration into the tree area and lessen the stormwater that will run off the site. The excess stormwater will follow the current flow pattern and head down the driveway to Hornberger Avenue.

Attorney Germano stated that one of the requested waivers or variances has to do with a fence close to Hornberger Avenue. Mr. Stout said that the proposal is for a solid fence along the entire property line. This property is on a corner so it has the secondary front yard. The proposed fence will be 6' along the parking area but will drop down to 3' as it gets closer to Hornberger Avenue. Mr. Stout also stated that there is a garage on the adjacent property to the rear of the site that sits right on the property line. No one driving down Hornberger toward Delaware will ever see this fence because the garage will block it. There will not be a sight triangle issue.

Mr. Stout stated that there is a variance required for front yard setback for the existing building. This is an existing condition and will not be changed. There is also a variance required for impervious coverage. The ordinance permits 20%. The existing coverage is approximately 31.5%. Some of the existing impervious will be removed but there will still be an increase. The proposed impervious will be approximately 48.1%. Attorney Germano stated that the 20% is a residential requirement and asked what the percentage would be for office of commercial uses. Mr. Stout said that these are usually much higher from the 40% to 60% range depending on the type of commercial use.

Attorney Germano stated that the impervious coverage variance is the only new variance being generated by the proposal. All the remaining deviations from the Township Ordinance are design exceptions not variances.

Attorney Germano stated that there was one last item brought up in Engineer Guzzi's review that was the landscaping adjacent to the parking lot facing Hornberger. Mr. Stout said that landscaping was provided facing Delaware and on the other side closest to the foundation. He stated that they did not provide any adjacent to Hornberger for 2 reasons. The main reason is that landscaping is usually provided to block light glare and that is not needed. Secondly, this is where people would be parking and opening car doors directly into that area this will allow more room for people getting in and out of their cars. This area will be grass.

Engineer Guzzi stated that there also is a request for a design waiver for the access drive not being at least 20' from the property line. Mr. Stout said that this is an existing condition and they are using the same driveway location.

Engineer Guzzi stated that a design waiver was also required for no off street parking located in the front yard setback. Mr. Stout stated that the entire front patient parking area is located in the front yard setback due to the fact that this is an odd shaped configuration with the house sitting on an angle on the lot. There really is not another location to provide off street parking on this lot.

Engineer Guzzi stated that there is a design waiver required for the loading space. Testimony was given in support of this as part of the completeness portion of the hearing. A design waiver is also required for the number of parking spaces. The ordinance requires 20 spaces and 11 spaces are proposed. Attorney Germano stated that during the Use Variance hearing Dr. Blum had testified that industry standards dictated a similar number of spaces as those proposed and his experience in the practice indicate that 11 spaces will be adequate.

Attorney Germano stated that this property is currently known as Lots 1, 2 & 3. The applicant will do a deed of consolidation.

Attorney Germano asked for testimony regarding the parking maneuverability of the employee parking area. Mr. Stout said that one of challenges of this site was making sure that everything fit. The front patient parking spaces meet the ordinance. The rear employee parking lot spaces are destination spaces. The employees come in at the start of their shift and they may go out for lunch and then leave at the end of the shift. There is a large area where the 3 cars at the top can easily back out and maneuver toward the front of the site. It will be a little harder for the other 2 cars to back out, but since the customer lot will be empty when the employees are leaving they could back out and into the customer space to make the turn around to access the front of the site. The office is closed for one hour at lunch time so there would not be any cars parked in the patient area at that time either.

Attorney Germano asked Mr. Stout to give testimony on the freestanding sign. Mr. Stout said the proposed location of the sign has been shown on the plan. There are some sight triangle requirements and easements that are restricted the front of the property. The location of the sign is in the corner between Delaware Avenue and Hornberger Avenue on the westerly side of the property. The sign would be landscaped. He stated that at this time there is no detail of the proposed face of the sign but it will meet the code. If not Dr. Blum would have to come back to the Board.

Engineer Guzzi stated that there are no signs permitted in the RA zone, if one is planned it would better to deal with this now rather than be forced to come back just for the sign. Mr. Stout stated that the sign would be lit with 2 directional lights. Dr. Blum said that the sign would be similar in appearance and design to the current signs located on the same intersection at the police association building and the law office. It would be lighted front and back, 5' x 6' and mounted on 2 posts with landscaping underneath.

Engineer Guzzi said that the Board has to consider what the appropriate standard would be in this situation. He said that he would look to the Neighborhood Commercial Zoning District because it seems to be the closest to this situation. The Neighborhood Commercial Zoning District permits a sign of 50 sq. ft. or an area equivalent to 5% of the front of the building whichever is smaller. Mr. Stout said that the front of the building is 600 sq. ft. so 5% would be 30 sq. ft. This is what Dr. Blum proposed (5' x 6').

Solicitor Frank said that if the sign is 5' tall it will probably be sitting on some sort of a pediment and the sign face would be somewhat smaller. Solicitor Frank stated that Planner Perry had suggested that the sign would be a maximum of 5' tall with a 4' x 6' face, subject to administrative review by the Board Planner for aesthetic compatibility with the zone.

Engineer Guzzi referred to his May 19, 2011 letter and stated that Item 16 has been satisfied. Item 17 is the requirement for the recycling and trash center. Mr. Stout said that there is room to relocate the trash and recycling and pointed out the location to the rear of the site off of the employee parking area. He stated that there would be matching vinyl fencing around it.

Engineer Guzzi stated that Items 18 through 25 have been satisfied. Items 26 and 27 have been satisfied. Item 28 is regarding the uniformity ratio of the lighting. Testimony has been given justifying why they are not being met in order to cut down the lighting levels in the residential neighborhood.

Item 29 regarding potential glare onto the neighboring properties has been addressed. Member Taylor asked Engineer Guzzi if he feels that the description given by Mr. Stout of the lighting is adequate for the parking lot. Engineer Guzzi said that he thinks the lighting is adequate. Attorney Germano said that for a good part of the year the lights would not be on based on the hours of operation. The lights will be on timers and will turn off by 7:00 p.m.

Engineer Guzzi stated that Items 30 and 31 were satisfied. Item 32 was for the stabilized construction entrance. The reason for this is to ensure that the trucks coming off the site do not track dirt onto Hornberger Avenue. Mr. Stout said that they have requested a waiver for the requirement and Soil Erosion is also reviewing this. He said that tire-cleaning pads are really for larger commercial developments. Additionally there is an existing paved driveway. There will be carpenters coming in, not heavy equipment other than when they pave. He said that they have also added a note to the plan that any debris in the street will be swept clean every day. Items 34 and 35 are satisfied.

Engineer Guzzi stated that Items 36 and 37 are regarding the traffic study. Attorney Germano called Nathan Mosely to testify on the traffic. Mr. Mosely stated that he has a Bachelor of Science degree from Drexel University in civil engineering. He stated that he is a licensed professional engineer in the state of New Jersey and is a member of the Institute of Transportation Engineers, the American Society of Civil Engineers, and the New Jersey Society of Certified Municipal Engineers. He stated that he has been doing traffic studies of this nature for the last 7 or 8 years, has testified before other Boards throughout the state of New Jersey and has prepared well over a hundred of this type of reports for similar developments. Mr. Mosely stated that he works for Shropshire Associates in Lumberton, NJ.

The Board accepted Mr. Mosely as an expert in civil engineering.

Mr. Mosely stated that he prepared a basic traffic engineering assessment report dated April 11, 2011. He said that he looked at the traffic impact of this site on the intersection of Hornberger Avenue and Delaware Avenue, the intersection of the site driveway and Hornberger Avenue and if the operations on Hornberger (vehicles queuing, etc.) have any impact on the proposed driveway location from a traffic perspective. He stated that traffic counts were done at the intersection of Delaware and Hornberger in the morning peak period and the afternoon peak period in March. He then looked at those numbers and did a capacity analysis, which basically assigns a Level of Service (LOS). This is a grading scale for each individual movement at a location and LOS goes from A(good) to F (poor).

Mr. Mosely stated that currently today during both morning and afternoon peak hours the LOS for all the movements are LOS B or better.

Mr. Mosely stated that he next looked at the future conditions to see how the traffic generated by this larger site would impact the roadway network. They projected the traffic for it based upon data prepared by ITE from studies done on similar sites throughout the country and have established rates. He stated that he applied those rates to this site and projected total a.m. peak hour trip as a total of 6 trips. In the p.m. peak hour 10 trips were projected. This projected traffic was layered onto the existing conditions. They assumed a conservative 2% growth rate per year to project out the existing conditions.

Attorney Germano asked Mr. Mosely what was done to accommodate the fact that there is a school in the area? Mr. Mosely said that he made sure that they covered the typical school peaks as well as the typical roadway peaks. In the morning they both happen at the same time between 7:00 a.m. and 9:00 a.m. so the counts in the morning were done between these times. In the afternoon the counts were from 2:00 p.m. to 6:00 p.m. This way there was the school peak, which is typically earlier than the roadway peak. They found that the peak for the actual intersection in the afternoon did occur when commuter traffic is higher rather than when school traffic was higher. The peak hour occurred around 4:15 p.m.

Mr. Mosely stated that they looked at the future conditions in two different scenarios. The No-Build scenario, assuming no traffic from the site, but everything in the background has been increased and the Build scenario, which assumes that the site traffic is added in so they could analyze exactly what the impact from this site is specifically. He said that when they looked at the capacity analyses for the intersection of Delaware and Hornberger in both the No-Build and the Build conditions with worse case scenario, the LOS remains B or better for every movement in both the a.m. and the p.m. peak hours.

Attorney Germano said that Engineer Guzzi had some concern about cars coming from Delaware down Hornberger and standing in line behind people trying to turn left into the parking lot. He asked if Mr. Mosely had looked at this possibility? Mr. Mosely stated that they projected a worst case peak hour queue of 2 vehicles for any period of time.

Based on this they are looking at a queue of approximately 50'. The driveway is located approximately 105' from the stop bar so they don't anticipate that there would be any issues with vehicles entering or exiting the site during those peak hour conditions.

Engineer Guzzi asked if there would be any sight triangle issues exiting the driveway and turning left onto Hornberger Avenue due to the garage on the neighboring property. Mr. Mosely stated that there were no site triangle issues caused by this.

Member Taylor asked for definition of LOS B or better. Mr. Mosely said that the letter grades are given based upon average delay per vehicle. It is a second per vehicle delay. For LOS B it is a delay of approximately 10-12 seconds per vehicle during that hour. That means the average vehicle will come up and have to wait 10-12 seconds to make their turn.

Member Crowell said that then in terms of a queue there would be a 20 second delay. Mr. Mosely said that the queue is looked at a little bit differently because it takes into account how frequently vehicle arrive at the intersection – whether or not they arrive in a pack versus dispersed throughout a typical minute. The model analyzes that and projects at the worst case you would have 2 vehicles queued up there for a short period of time with a LOS B. This wouldn't impact the operation of the driveway.

Member Crowell asked if Mr. Mosely had taken into consideration the potential growth that will result from the remediation of the Roebling Mill Site. Mr. Mosely stated they just included a general growth rate provided by information from the state. This site will most likely be built out before the Mill site is. He said that not knowing what is exactly is going to be on the Mill site in the future or when that will be in place, the study only looked up to 2012 when this site should be completed.

Member Adams asked about the children crossing the street on their way home from school. Mr. Mosely stated that this was a heavy pedestrian area. He said that when they did the counts they included pedestrian movements crossing the four corners of the intersection. They found that in the afternoon when there is much higher pedestrian activity (around 2:30 to 2:45) there is much less vehicular activity.

Chairman Fratinardo asked if a traffic light were to be installed at the intersection would that affect the queues and the driveway. Mr. Mosely stated that it might slightly affect the queues but without knowing exactly what would be out there he can't say for sure. Mr. Mosely said that typically most standards require a driveway to be no closer than 100' from a light and this driveway is 105' from the intersection so it should be fine if a light were installed.

Member Taylor asked if there were any impact on traffic based on weather conditions. Mr. Mosely said that not having compared data between those types of conditions he could not say for sure. He stated that they did count in March and in the morning it was raining so there may have been more vehicular traffic.

Attorney Germano stated that this concluded the applicant's presentation. Chairman Fratinardo asked Planner Perry to go over his review letter. Planner Perry, referring to his April 19, 2011, stated that the revised plans that were submitted on May 9, 2011 addressed all of the items of concern and agreed to comply with all items.

Motion of Montgomery, seconded by Taylor to open the hearing to public comment. Motion unanimously approved by all members present.

Mike Spadaro, 175 Kinsman Drive was sworn in by Solicitor Frank. Mr. Spadaro is concerned about the proposed height of the wall. He said that he is concerned because unless the property is being completely regraded the water will seep into his yard. He stated that he did not know if the block wall would keep the water out of his yard. Mr. Stout said that nothing would be graded toward Mr. Spadaro's property.

Mr. Spadaro voiced his concern about stormwater running off of the parking lot containing fuel and fluid leaked from cars and seeping into the ground.

Mr. Spadaro said that he had some concerns that he would like to express regarding some of the testimony that was given at previous meetings. Mr. Spadaro stated that in January Mr. Miller testified that 12 spaces would be required and 13 were proposed (on the former plan) this would be adequate parking and would make the intersection safer. Mr. Spadaro pointed out that these plans show 11 spaces and the previous testimony showed that there was need for 12.

Mr. Spadaro said that previous testimony by Dr. Blum seemed to indicate that there could be 13 to 14 people in the office at one time with the need to park 13 to 14 cars and again this plan only calls for 11 parking spaces.

Mr. Spadaro asked if the Board had the authority to limit the number of employees, partners, and the number of patients on site. If not it can only be anticipated that Dr. Blum will continue to grow his practice and increase his earning potential.

Mr. Spadaro asked Solicitor Frank to clarify a comment that he made at the January meeting regarding the Board agreeing that the site is capable of supporting the use and that it doesn't negatively impact the public good.

Solicitor Frank said that it is important for Mr. Spadaro to recognize that there were other variances being requested by the applicant than what the Board actually granted. The Board was being asked by the applicant to grant a wholly new use variance to permit the parking for the dental office to grow onto a piece of the adjoining lot. The Board didn't grant that. What they did was that they granted a variance but under a lesser standard because the variance that it granted only allowed the expansion of the existing use on the same lot. With the current application the Board does need to find that this site plan can be granted without substantial detriment to the public and without substantially impairing the zone plan and zoning ordinance.

Solicitor Frank stated that he thinks there was an assumption of the Board's finding that some of the parking that is currently on the street would continue to be on the street when we rejected the applicant's request to expand onto the adjoining parcel. The issue of the number of parking spaces has been addressed by the Board and the Board's decision to not approve the request to expand onto the adjoining lot will keep the business from growing too much.

Mr. Spadaro asked if there was still a request for a variance to expand the pre-existing use? Solicitor Frank stated that at the last meeting the Board granted the request of the applicant for a Use Variance to expand the pre-existing non-conforming use on the lot where it existed already. Mr. Spadaro stated that the pre-existing use of the building was as a home office. Mr. Dimon lived there and was genuinely concerned with keeping this a residential neighborhood.

Mr. Spadaro said that there was testimony given by Mr. Miller on the Liquor Barn application heard at the last meeting that one of the benefits of the application was that there wasn't going to be any cars. There would not be any fumes, runoff, noise or vibrations. Mr. Miller addressed all these things as to why the Board should approve the solar panels on the site. Mr. Spadaro said that all those reasons that would be a benefit on the other site affect this site. There are going to be vibration, noise, fumes, etc. Mr. Spadaro said he is concerned that he will be sitting on his deck and will hear car doors opening and closing and smell exhaust fumes from idling cars. The Board suggested a no idling sign in the parking lot area. Dr. Blum stated that if the Board required it he would provide a no idling sign.

Mr. Spadaro stated that the most concerning impact is the visual impact from this proposed parking lot. This would be a dramatic change to the view from his master bedroom windows and the second largest bedroom windows on the second floor of his home. The wall and fence will not help mitigate the view or the noise impact to his property, not to mention the privacy impact by giving non-residence an un-obstructed view to his second story windows.

Mr. Spadaro also stated that he is concerned that this proposed parking lot will negatively impact the value of his property if he should decide to sell. Mr. Spadaro stated that he is against the granting of this application.

Daniel Gribbin, 1026 Hornberger Avenue was sworn in by Solicitor Frank. Mr. Gribbin contested the data given for the traffic study. He stated that 7 out of every 10 cars that travel on Delaware Avenue turn onto Hornberger Avenue. He stated that this is the busiest intersection in the whole township. He stated that he has trouble exiting his driveway. Mr. Gribbin stated that people would have a difficult time exiting the driveway from the proposed parking lot. The addition of the parking lot will add to the traffic problem on Hornberger Avenue. Mr. Gribbin stated that there is adequate parking in front of the office on Delaware Avenue.

Michael Nuzzi, 183 Kinsman Drive was sworn in by Solicitor Frank. Mr. Nuzzi stated that he lives directly behind the property. Mr. Nuzzi stated that he had measured the wall today and it is 6' from ground level in his yard to the top of that wall. There is no cyclone fence, it is wrought iron and is 2' high. Member Taylor stated that testimony had been given that the applicant would be replacing the wall. Mr. Nuzzi asked if it has been determined that Dr. Blum owns that wall. Attorney Germano stated that Dr. Blum owns the wall. Mr. Nuzzi stated that he has a survey from November 2009 that shows that the wall is on his (Nuzzi's) property. Engineer Guzzi stated that the survey on the existing conditions plan that was provided with this application shows the wall on Dr. Blum's property. Mr. Nuzzi said if the wall sits on his level how could it be on Dr. Blum's property.

Mr. Nuzzi stated that he thinks that the wall should be repaired and left at the existing height. Solicitor Frank stated that if Mr. Nuzzi has a competing survey that indicates that he has an interest in the wall then he should present that to the Board as an exhibit before we can talk about whether the Board should be concerned with that issue. Mr. Nuzzi stated that the issue of the wall should be put aside for now.

Mr. Nuzzi asked how does the 6' wall become a 3' wall, where does that dirt go? Engineer Guzzi said that the applicant is proposing to remove the dirt, lower the grade on the doctor's property. The wall would be replaced on Dr. Blum's property. Mr. Nuzzi stated that the headlights would shine onto his yard. Chairman Fratinardo said that the new wall would be 3' with a 6' vinyl fence on top of it so it will be 9'. It should be 1' higher than what it currently is. Mr. Nuzzi asked if this was high enough to block the headlights because the cars would be up closer to the house. Engineer Guzzi stated that the house is less than 2' above the top of the proposed retaining wall. On the top of that wall there would be a 6' fence. Mr. Nuzzi won't even see the cars from his back yard.

Mr. Nuzzi asked about the testimony that they are using the existing driveway. Attorney Germano stated that they are using the location of the existing driveway but they will be widening it to a 25' drive aisle and re-paving it. Mr. Nuzzi asked how far the parking would be from the wall. Mr. Stout answered that the parking would be 30' from Mr. Nuzzi's property line. Mr. Nuzzi asked about the trees. Mr. Stout answered that at planting they would be installing 6' tall trees.

Bill Dixon, 169 Kinsman Road was sworn in by Solicitor Frank. Mr. Dixon stated that the neighbors all have fairly small yards. He stated that he is concerned about the exhaust from idling cars and doesn't think that a no idling sign would help. Mr. Dixon stated that his yard is very small and he doesn't want to have his view to Delaware Avenue blocked by a fence. Mr. Dixon stated that he is concerned with his property value and most likely would not have bought this house if there had been a parking lot.

Engineer Guzzi stated that a portion of Mr. Dixon's property, approximately 1/3, would not have any development behind it.

Mr. Dixon stated that he thought the traffic study would look at if there had been accidents at the driveway location. He said that he was not convinced that a parking lot was warranted in this location and stated that 6 plus families would be negatively affected by this plan that would benefit one small businessman who lives in another town.

Mr. Dixon stated his concern with the fence and trees boxing in his yard and stated that even with the buffer people from the parking lot would be able to look into his yard. He stated his disapproval of the proposal and stated that he hoped the Board made the right decision.

Glen Dembowski, 161 Kinsman Road was sworn in by Solicitor Frank. Mr. Dembowski asked if Dr. Blum could come back to the Board at another point and ask to expand onto the adjoining property? Solicitor Frank stated that what is before the Board this evening is an application for site plan review in regard to the lots where the house currently is not the adjacent parcel. Mr. Dembowski stated that the Board is opening the door and Dr. Blum will be back again with another plan to develop that adjoining lot.

Mr. Dembowski asked what the grade difference was between Delaware and Hornberger. Engineer Guzzi stated that as you travel along the property from Delaware to Hornberger the property drops off approximately 4 ½ ft.

Chairman Fratinardo stated that he knows that it is something that the Board can't consider in the one sense but can the applicant do anything to alleviate Mr. Dembowski's fear that Dr. Blum would come back to the Board to expand. Attorney Germano stated that Dr. Blum had applied to expand onto that lot. The Board has to act on that application tonight. If the Board should deny that application then there is a civil law equivalent to double jeopardy. People can't keep coming back to a Zoning Board with the same application twice. Once an application is denied a similar application can't be heard.

There being no further public wishing to offer comments motion was made by Taylor and seconded by Montgomery to close the public portion of the hearing. Motion unanimously approved by all members present.

Member Crowell stated that considerable testimony had been given regarding run off and control of run off and the Board is relying on the expertise of the engineer who testified. He asked Engineer Guzzi that assuming the application is approved and the proposed drainage control does not work, what recourse if any do the adjacent owners have? Engineer Guzzi stated that the plan if it is approved provides that the drainage will run down the swale and overflow onto Hornberger Avenue. If it doesn't work in that manner, they won't get their final approvals and sign offs on the site plan. There will be a performance bond requirement and a maintenance bond requirement and all the inspections will be done under Guzzi's office as Township Engineer. Engineer Guzzi stated that as far as the neighbors, if they have any concerns during construction or after construction, they can contact the Township and they always have civil recourse as well. But as the Board knows whenever there is a concern adjacent to a development his office

and the Township are always very accommodating in trying to resolve whatever problems there are.

Member Adams asked about controlling the on street parking on Delaware Avenue. Engineer Guzzi stated that this plan relocates the main entrance to the rear of the building close to the proposed parking lot, which will focus the parking to the back of the site. Engineer Guzzi stated that the Board does not have the ability to control parking on either Hornberger Avenue or Delaware Avenue. He stated that Hornberger is a Township road and Council has the ability to pass an ordinance restricting parking. Delaware is a County road so the County in conjunction with the Municipality would have to agree to restrict parking there.

Attorney Germano said that the plan does call for relocating the front entrance and in addition there will be no service walk from the Delaware Avenue side of the site to the proposed new entrance. This will encourage patients to park in the new parking area rather than on the street.

Member Taylor stated that one of the residents had testified that he had counted 40 to 50 cars in a very short period of time and asked Mr. Mosely to address this. Mr. Mosely stated that in a single hour during the morning peak hour he counted 192 vehicles going down Hornberger and 158 going the opposite direction on Hornberger. This was from 7:15 a.m. to 8:15 a.m. He stated that the total number of cars for the two way traffic was 450. Mr. Mosely stated that in the afternoon the total number was 394 with 219 coming in and 175 going out and this was from 4:15 p.m. to 5:15 p.m.

Mr. Mosely said that the number for Delaware Avenue in the morning peak hour there were 499 vehicles going one way and 338 going in the opposite direction. During the afternoon peak there was 333 vehicles coming in and 390 going. Approximately 45% of the traffic traveling Delaware Avenue makes the left onto Hornberger Avenue.

Attorney Germano stated that it is indisputable that the view that the neighbors would have of this property is going to be improved drastically. This application is about getting cars off the street because it is dangerous. Solicitor Frank had advised the Board when they granted the original Use variance and has reiterated tonight that the applicant has to prove that granting this site plan application does not have a negative impact on the public good. With all due respect to the impact that the neighbors feel that this application will have on them, they are here speaking not about the public interest but about their individual private interests. The public interest in getting cars off of Delaware Avenue is accomplished here by creating that parking lot. This site plan accomplishes a public purpose that contributes to the public good.

Attorney Germano stated that the application did have to take into account the effect on the neighbors and they have tried to do that. The water will not flow off site, it will be more attractive, there will be less interface with the neighbors, but the main purpose was to get cars off the street and this plan accomplishes that and that is why it should be granted.

Solicitor Frank stated that the Board has before it an application for Preliminary and Final Major Site plan which follows a Use Variance approval. For every site plan the follows a variance approval pursuant to 70-d it needs to be demonstrated that the plan can be granted without substantial detriment to the public good and without substantial impairment of the zone plan or the zoning ordinance.

Solicitor Frank stated that there are a number of departures from ordinance standards with regard to things like parking space size and the items that were presented in Engineer Guzzi and Planner Perry's letters. He said that he thinks that rationales have been presented to the Board for each of them. He stated that under the holding of a case called Puleio, once the Board gets into Use variance the Board is not expected to adhere to the bulk standards that normally apply because the Board is trying to do the very best to mould the best possible site for a Use that wasn't really intended to be in that zone. So, logically, the standards that would apply to that type of use in another zone or to other uses in that zone wouldn't necessarily work.

Engineer Guzzi stated for the record that the patient parking stalls conform to the ordinance, it is the employee parking in the back of the lot that are undersized.

Solicitor Frank stated that if the Board were to approve this application, in addition to compliance with the plan review and detail comments in the Board Engineer and Planner's most recent letters as agreed on the record, there would be conditions that the sign would have a face no greater than 4' x 6' with a maximum height of 5' above the current grade, subject to the Board Planner's administrative review for aesthetic compatibility with the district and the neighborhood. A recycling and trash center will be located at the rear of the building in compliance with the 15' setback requirement of the ordinance and screened by a matching vinyl fence. Parking lot lighting will only be on during the hours of operation (9:00 a.m. to 7:00 p.m.). "Employee Parking Only" signage will be added for the rear spaces. "No Idling" signs will be added in the parking area. The usual conditions regarding performance guarantees, escrows, taxes, outside agency approvals, etc. also apply.

Motion of Taylor, seconded by Adams to approve Application ZB#2011-04 with the conditions as outlined by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Taylor, Fratinardo, Crowell, Buddenbaum, Montgomery, Adams
NOES: None
ABSENT: Zekas

Motion of Montgomery, seconded by Taylor to deny Dr. Blum's request for a D1 variance of the adjoining parcel.

Upon roll call the Board voted as follows:

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YEAS: Buddenbaum, Crowell, Fratinardo, Montgomery, Taylor, Adams
NOES: None
ABSENT: Zekas

Members Groze and Bott returned to the dais. The Board took a 5 minute break, following the break the Board returned to the regular order of business.

Chairman Fratinardo stated that the Board would be going out of order on the agenda and called for Application ZB#2011-07 for Lionel Gaymon. Applicant is requesting a bulk variance for impervious surface coverage to permit construction of an in-ground swimming pool on property located a 5 Arbor Lane, Florence Township. Block 166.07, Lot 8.

Lionel Gaymon, 5 Arbor Lane was sworn in by Solicitor Frank. Mr. Gaymon stated that he was requesting a bulk variance to permit installation of a swimming pool on his property.

Engineer Guzzi stated that the only variance required with this application is for impervious coverage – 35.7% where 25% is permitted. He stated that his only concern with this application is potential stormwater runoff onto other properties. This is an in-ground pool and there have been some problems in the development with grading associated with in-ground pools. This property backs up to another property so the recommendation is that the property not be regraded in such a way that stormwater runoff would change in any way. He recommended that if this application is approved there be a grading plan submitted to the construction office to make sure that there is no adverse impact. In many of the properties in the Mallard Creek area the drainage runs down the back yard and that could cause problems.

Member Taylor asked if there would be a fence around the pool. Mr. Gaymon stated that half of the yard would be enclosed around the pool.

Member Crowell stated that the Board had approved several pools in this neighborhood that did not have drainage problems. Engineer Guzzi replied that there actually were several properties that did have problems, especially when there are properties that back up to someone else's back yard. He stated that it is a lot easier and less expensive to have the grading plan completed and build the pool right than to correct the problem after the fact.

Secretary Montgomery asked Mr. Gaymon if he would be amenable to provide the drainage plan. Mr. Gaymon answered that he would.

Motion of Taylor, seconded by Crowell to open the hearing to public comment. Motion unanimously approved by all members present. Seeing no one wishing to offer comment, Motion was made by Crowell and seconded by Groze to close the public comment. Motion unanimously approved by all members present.

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Motion of Montgomery, seconded by Adams to approve Application ZB#2011-07 with the conditions as indicated.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Crowell, Fratinardo, Groze, Montgomery, Taylor, Adams
NOES: None
ABSENT: Zekas

Secretary Montgomery read the time limit for appeal statement to the applicant.

Chairman Fratinardo called for Application ZB#2011-06 for Samuel and Ann Frankel. Applicant is requesting a bulk variance for impervious surface coverage to permit construction of an 8' x 12' shed on property located at 28 Third Avenue, Roebling. Block 138, Lot 49.

Ann Frankel, 28 Third Avenue, was sworn in by Solicitor Frank. Ms. Frankel stated that she was seeking a variance for impervious coverage to allow the construction of a shed in the rear yard of her property.

Engineer Guzzi stated that this lot was a non-conforming lot. There are a number of existing non-conforming conditions, however the only new variances required are for impervious lot coverage (47% where 40% is permitted) side yard setback (2' proposed where 5' is permitted) and rear yard from alley setback (2' proposed where 10' is permitted). Ms. Frankel stated that the shed would be 9' tall.

Responding to questions from the Board, Mrs. Frankel stated that there are sheds of a similar size and larger in her neighborhood and stated that there would be room to walk around the outside of the shed. She stated that the shed is constructed out of wood and shingles. She stated that they have not had any drainage problems in their area. The shed will be used to store their lawn mower, outdoor furniture, etc. She stated that the stormwater would remain on their property and not run off to neighboring properties.

Member Taylor asked if the shed would be built on a concrete pad. Mrs. Frankel stated that it would be built on the grass and would have a wood floor.

Motion of Montgomery, seconded by Crowell to open the hearing to public comment. Motion unanimously approved by all members present.

Seeing no one wishing to offer testimony, motion was made by Crowell and seconded by Buddenbaum to close the public portion. Motion unanimously approved by all members present.

Motion of Crowell, seconded by Groze to approve Application ZB#2011-06.

Upon roll call the Board voted as follows:

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YEAS: Taylor, Montgomery, Groze, Fratinardo, Crowell, Buddenbaum, Adams
NOES: None
ABSENT: Zekas

Secretary Montgomery read the time limit for appeal statement to the applicant.

Chairman Fratinardo called for Application ZB#2011-08 for Helen E. Campbell, VMD. Applicant is requesting Minor Site Plan approval with bulk variances for proposed veterinary clinic on property located at 2126 Old York Road, Florence Township. Block 168, Lot 15.

Attorney William Sitzler, representing the applicant, Dr. Campbell stated that they are before the Board for site plan review.

Engineer Guzzi referred the Board to page 2 of his report dated May 11, 2011 for the completeness items. He stated that there were several waivers that had been requested.

Item A is the Environmental Impact Statement. This is a Minor Site Plan and since there is very little change to existing site so this waiver would be supported.

Item B Preliminary Delineation of Wetlands and Item C Preliminary Delineation of Stream Encroachment since there does not appear to be any wetlands or stream encroachment issues impacting the site so a waiver would be supported.

Item D is for contours at two-foot intervals. There were some limited elevations provided to insure that there are accessible entrances. The waiver would be supported.

Item E is for location, size and nature of all proposed roads within and abutting the development site. Engineer Guzzi stated that there was a property line indicated and then a 6.5' additional line and it was unclear whether this was existing right of way. Engineer Guzzi asked for additional testimony.

Rakesh Darji was sworn in by Solicitor Frank. Mr. Darji stated that he was a licensed professional engineer and a licensed professional planner in the state of New Jersey. He stated that he has testified before several planning and zoning boards and municipal governing bodies in New Jersey. Mr. Darji was accepted as an expert in the field of engineering.

Mr. Darji said that in regards to the question of the right of way issue. The applicant is not proposing a dedication of right of way. He stated that the deed for the property calls the right of way at 43' from centerline. The right of way actually according to the county engineer is a 99' full right of way, which means 49' from centerline. There are 2 lines shown on the plan – the deed right of way and the King's Highway right of way.

Motion of Taylor, seconded by Groze to deem the application complete. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Crowell, Fratinardo, Groze, Montgomery, Taylor, Adams
NOES: None
ABSENT: Zekas

Engineer Guzzi stated that originally with this application there was a survey prepared and submitted and subsequently a second survey by a different surveyor was submitted and there was a discrepancy between the property line on Mr. Wainwright's house side. He asked the applicant to address exactly where the property line is so the Board has a clear understanding where the property lines lay.

Mr. Darji submitted Exhibit A1. He stated that his office had surveyed the property and supplied additional details regarding the parking lot. At that time they found the their survey was not jiving with the surveydone previously by Mr. Sutton. He stated that the biggest change would be that the western property line is to the east of the driveway to Mr. Wainwright's property so the driveway is actually on Mr. Wainwright's property. The building orientation is actually parallel to the side property line and a little bit turned toward the road where the prior survey showed the building parallel to the roadway. So the entire property has been re-surveyed and they submitted a survey certifying that what they had submitted to the Board, as part of their site plan is true and accurate. Engineer Guzzi said that this resolves the discrepancy between the site plan and the previous survey. Attorney Sitzler stated that the discrepancy probably happened because the application was bifurcated. If it had all been done at the same time this would have been picked up prior to submission.

Mr. Darji said that the applicant had appeared before the Board last month and thorough testimony was given about the existing conditions of the property and existing configuration of the site. Based on that testimony the Board granted the use Variance as requested.

Mr. Darji stated that the property is approximately .92 acres in area. It is bordered on the east and west by residential uses and to the south by active farmland. The main building 3,200 sq. ft. block building that the applicant is proposing substantial renovations to convert into a veterinary clinic has an existing parking lot in the front that would accommodate all of the parking. He stated that as a clarification, there had been testimony given as part of the Use Variance hearing of possibly using the rear of the property for employee parking; once the property was surveyed it was found that they could accommodate the 12 required parking spaces in the front yard with a waiver on the width of the parking space size. The ordinance requires 10' x 20' and the request is for 9' x 20'.

Mr. Darji stated that the veterinary use would be for Dr. Campbell and approximately 4 employees. There would be 2 exam rooms and based on the ordinance the 2 exam rooms would require 12 parking spaces. A new ADA accessible ramp is proposed and per

Engineer Guzzi's letter they have evaluated the ramp and provided some additional spot elevations to demonstrate that the ramp will meet the requirements of ADA without having to have handrails. The front concrete landing will also be modified address the issue of the threshold.

Mr. Darji stated that the original submission of the site plan showed a designated loading space for the property, after discussing the project with Dr. Campbell it was determined that the majority of the deliveries are by UPS or FED EX who would never use a loading space. Dr. Campbell does get deliveries of oxygen, but these are scheduled deliveries and can be accommodated in the front parking lot. The drive aisle in the front parking lot is about 32' wide where the standard is 25' so there is enough room there for a truck to deliver the oxygen. There are no long-term deliveries of any kind other than when the renovations to the site are being done. As it is proposed the applicant will not require any vehicular access to the rear of the property.

Mr. Darji stated that a shoebox type light with cut-offs on an existing pole at a mounting height of 14' is proposed for the parking lot. This provides the illumination levels that are needed for the parking lot. This design does not meet the uniformity ratio. In order to meet this they would have to put several other light fixtures in at lower wattages to get more even dispersions so relief is requested.

Member Taylor asked if the existing metal sheds were going to be used? Mr. Darji stated that there is a 36' x 19' metal shed, a 30' x 40' metal shed and a 30' x 26' metal shed. Mr. Wainwright previously used these sheds for storage in conjunction with the tractor sales business. Dr. Campbell does not propose any use of these structures but the plan is to have them remain to act a security for the rear of the property. Member Crowell stated that the sheds are not visible from the street.

Mr. Darji submitted Exhibit of A3, which is a series of photos of the site. Attorney Sitzler stated that the sheds act as part of the fencing structure. This adds to security of the rear of the site and restricts access to the rear of the site. Also this area would be used for walking dogs or small animals if necessary, and if the sheds were removed then if a dog did get away it could wander into the farmland adjoining the site.

Mr. Darji said that the applicant is proposing to relocate the existing sign. The sign is currently located in the County right of way. The sign will be moved out of the County right of way and moved so that it complies with the Township ordinance. The sign will be modified with the addition of a 14" x 5' board stating Dr. Campbell's practice. He said that there would only be one use at the site. The name Wainwright will be left on the sign because the building is a landmark for residents in the area.

Mr. Darji stated that the applicant has requested a series of variances and design waivers for this project. There is a rear yard setback requirement for the principal structure of 50', where 47' exists. The rest of the requested variances are for accessory structures. The side yard requirement for accessory structures is 50' and the existing 86' shed is 3' from the property line. The front yard setback for accessory structures is 100', where 59'

exists. The ordinance requires 20% maximum impervious coverage. The existing coverage on the site is 50%. The existing lot area is .92 acres where the requirement is 3 acres. The lot depth is 199' where 300' is required. All these are existing non-conforming conditions.

Mr. Darji stated that the applicant requests a waiver from the requirement of providing sidewalks along the frontage. There is no sidewalk along Old York Road and he stated that it is his understanding from the County that there are no plans to install sidewalk in this area. A variance is also requested from the landscaping requirement as they are trying to maintain the agricultural look of the site. They could accommodate 1 or 2 street trees along the front of the site.

Engineer Guzzi referred the Board to page 3 of his May 11th letter. Item 1 is the concrete sidewalk issue. This is a minor application so the Board can grant a waiver if it doesn't think that sidewalks would serve any purpose in this area.

Item 2 is for the street tree issue and the applicant has testified that they would provide two trees so a waiver is not required.

Item 3 is for the lighting, in particular the uniformity ratio issue. He stated that the uniformity ratio is typically an issue as it works for a very limited number of parking lots and often times a waiver is required for this. He stated that he would support the waiver based on the fact that they are providing adequate light in the area of the parking stalls and the front entrance of the building.

Item 4 is for landscaping, there has been testimony given on this and Planner Perry will address this.

Item 5 is for buffer and screening areas provided adjacent to the residential uses on either side. He stated that the applicant is limited on the east side because the shed and the stone lot are right up against the property line and there is some green area on the other side but they technically do need the waiver.

Item 6 is for the height of the existing fences. Mr. Darji stated that along the front the fence is 10' and along the rest of the perimeter 8'. Engineer Guzzi stated that these are existing fences.

Item 7 is for the requirement that access drives be spaced a minimum of 65' apart. The existing drives are approximately 45' apart so a waiver is required.

Item 8 regarding the loading space and the rear parking area. Engineer Guzzi stated that he had initially suggested that an easement be required to gain access but the testimony is that the access to the rear lot will not be required. If the Board is satisfied that it is not required then the easement would not be required.

Item 9 is a design waiver for curbing around the parking area.

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Item 10 a waiver is requesting for parking stall size, 9' x 18' proposed where 10' x 20 is required. This waiver would be supported.

Item 11 is the requirement for 2 trees for every 10 parking spaces. Planner Perry will address this.

Item 12 parking spaces located within the front yard for office buildings, other than a shopping center, are limited to 20%. In this case all of the parking is in the front yard so a design waiver is required.

Item 13 a minimum of one trash/garbage location shall be provided. Attorney Sitzler stated that there would be a cleaning service that will take the office trash away. A special handling company will pick up the medical waste. There would be no need for a dumpster on site.

Item 14 is the requirement for a recycling enclosure. Mr. Darji stated that they have provided a location on the property for the recycling to sit, but there is no need for vehicular access, as the cleaning service will also take the recycling.

Item 15 signs are not permitted in the AGR zone so a variance is required. The applicant is proposing to use the existing sign but to just move it to a more conforming location.

Item 16 for the "Wainwright" on the sign has been addressed.

Item 17 details of proposed lighting for the sign. Mr. Darji stated that the detail would be provided on the plan.

Item 18 barrier free parking stalls must be 20' in length. Mr. Darji stated that all proposed parking spaces are 20' long.

Item 19 regarding the access ramp has been addressed.

Item 20 regarding the open sheds do not apply since there will not be parking to the rear of the building.

Item 21 the entry threshold issue has been addressed.

Item 22 the survey issue has been resolved.

Item 23 the requested note will be added to the plan.

Planner Perry referred the Board to his May 17th review letter and Environmental Resolutions response dated May 20th. He stated that a lot of the items have already been addressed as part of the zoning. The maximum height of the building as been noted to be less than 35', the parking has been discussed. He noted that the applicant had testified

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that they have increased the size of the parking space to 20'. A waiver will still be required on the width of the parking space and parking in the front yard.

Planner Perry stated that he had looked at the pictures that were circulated to the Board and he would be agreeable to have the two shade trees located one on either side a good distance to the sign this would be sufficient. He stated that he did not want to see a lot of shrubs in front of the building. In regards to the buffer between the properties there are some existing trees there now and it is not necessary to increase that. Planner Perry stated that this addresses all his outstanding comments.

Attorney Sitzler stated that the intention is to keep the outside of the site as close to what currently exists now. Most of the changes on this property will be on the inside of the building.

Motion of Montgomery, seconded by Taylor to open the hearing to public comment. Motion unanimously approved by all members present.

Seeing no one wishing to comment, motion was made by Crowell and seconded by Montgomery to close the public portion. Motion unanimously approved by all members present.

Solicitor Frank stated that this application was for a Minor Site Plan approval. He stated that since this follows a Use Variance approval the Board needs to address the negative criteria and to insure that approval of any such site plan is not substantially detrimental to the public good, nor does it substantially impair the zone plan or the zoning ordinance. Conditions would be compliance with the plan detail and design comments of the Board Engineer and Planners letters that haven't been addressed through the response of 5-20 – 11 from the applicant or through testimony given this evening. In terms of conditions 2 street trees will be added one on either side of the proposed new sign location. No parking or loading in the rear lot because there is no access. Lighting for the relocated sign would be subject to administrative review by the Board Engineer.

Motion of Buddenbaum, seconded by Adams to approve Application ZB#2011-08 with the conditions as outlined by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Crowell, Fratinardo, Montgomery, Taylor, Adams, Groze
NOES: None
ABSENT: Zekas

MINUTES

Motion of Groze, seconded by Buddenbaum to approve the Minutes from the April 26, 2011 meeting as submitted. Motion unanimously approved by all members present.

RESOLUTIONS

Resolution ZB-2011-10

Granting Use Variance and Minor Site Plan approval with bulk variances to T-Mobile Northeast, LLC to permit co-location of nine telecommunications antennae at a centerline height of 109' on an existing 12' lattice tower on property located at 2022 Route 130, Florence Township. Block 160.01, lot 10.01.

Motion of Buddenbaum, seconded by Groze to approve Resolution ZB-2011-10. Upon roll call the Board voted as follows:

YEAS: Adams, Buddenbaum, Fratinardo, Groze, Bott
NOES: None
ABSENT: Zekas

Resolution ZB-2011-11

Continuing the application of Stacey Micallef and Glen Zielinsky until the May 24, 2011 meeting.

Motion of Groze, seconded by Adams to approve Resolution ZB-2011-11. Upon roll call the Board voted as follows:

YEAS: Adams, Crowell, Groze, Fratinardo, Taylor,
NOES: None
ABSENT: Zekas

Resolution ZB-2011-13

Continuing the application of Florence Family Dental, P.C. until the May 24, 2011 meeting.

Motion of Taylor, seconded by Adams to approve Resolution ZB-2011-13. Upon roll call the Board voted as follows:

YEAS: Adams, Crowell, Fratinardo, Taylor.
NOES: None
ABSENT: Zekas

Resolution ZB-2011-14

Granting Use Variance to Helen Campbell, VMD for conversion of a former lawn/garden equipment and tractor sales/supply site into a veterinary hospital located at 2126 Old York Road, Florence Township. Block 168, Lot 15.

Motion of Adams, seconded by Groze to approve Resolution ZB-2011-14. Upon roll call the Board voted as follows:

YEAS: Adams, Crowell, Fratinardo, Groze, Taylor, Bott

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NOES: None
ABSENT: Zekas

There was no Correspondence or Vouchers at this time.

PUBLIC COMMENT

Chairman Zekas opened the hearing to public comment.

Marvin Wainwright thanked the Board for staying late to hear Dr. Campbell's application.

There being no one else wishing to comment, Motion was made by Montgomery, seconded by Taylor to close the public comment. Motion unanimously approved by all members present.

Motion of Buddenbaum, seconded by Crowell to adjourn at 11:25 p.m.

Ray Montgomery, Secretary

RM/ne